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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories

Report of the Secretary-General**

1. The present report is submitted pursuant to General Assembly resolution 63/96, the operative part of which reads as follows:

> *The General Assembly,*
>
> ...
>
> 1. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;
>
> 2. *Demands* that Israel accept the de jure applicability of the Convention in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, and that it comply scrupulously with the provisions of the Convention;
>
> 3. *Calls upon* all High Contracting Parties to the Convention, in accordance with article 1 common to the four Geneva Conventions and as mentioned in the advisory opinion of the International Court of Justice of 9 July 2004, to continue to exert all efforts to ensure respect for its provisions by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

* A/64/150.

** The present report was submitted after the deadline so as to include the most recent information.

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4. *Reiterates* the need for speedy implementation of the relevant recommendations contained in the resolutions adopted by the General Assembly at its tenth emergency special session, including resolution ES-10/15, with regard to ensuring respect by Israel, the occupying Power, for the provisions of the Convention;

5. *Requests* the Secretary-General to report to the General Assembly at its sixty-fourth session on the implementation of the present resolution.

2. On 19 June 2009, the Secretary-General addressed a note verbale to the Government of Israel, in which he requested, in view of his reporting responsibilities under the above-mentioned resolution, that the Government inform him of any steps it had taken, or envisaged taking, concerning the implementation of the relevant provisions of the resolution.

3. No reply had been received at the time of the preparation of the present report.

4. By a note verbale dated 19 June 2009 sent to all permanent missions regarding General Assembly resolution 63/96, the Secretary-General also drew the attention of all the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) to paragraph 3 of resolution 63/96.

5. On 7 July 2009, the Permanent Mission of the Bolivarian Republic of Venezuela replied to the note verbale, informing the Secretary-General that the official position of the Government of the Bolivarian Republic of Venezuela has been to support and co-sponsor the relevant resolution, and that Venezuela urges Israel to respect the provisions of the Fourth Geneva Convention in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967.

6. On 9 July, the Permanent Mission of the Syrian Arab Republic replied to the note verbale, emphasizing the applicability of the Fourth Geneva Convention to the Syrian Golan and informing the Secretary-General of several letters that the Government has sent to the President of the General Assembly, the Security Council, the European Union, international governmental and non-governmental organizations to draw attention to the issue and seek support for a solution.

7. On 14 July, the Permanent Mission of Qatar replied to the note verbale, emphasizing the need for additional pressure to achieve the full implementation of resolution 63/96 as well as the advisory opinion of the International Court of Justice of 9 July 2004.

8. On 27 July, the Permanent Mission of Egypt presented its official position in its reply to the note verbale, requesting Israel to guarantee the application of the Fourth Geneva Convention through, inter alia, ceasing the construction of the Wall and of settlements; ceasing all practices leading to a change in the character of East Jerusalem or the geographical character of the occupied territories; ceasing forced displacement of civilians; avoiding targeting private or public installations such as schools or hospitals and ending any abusive use of force and collective punishment.

9. On 28 July, the Permanent Mission of Colombia replied to the note verbale, informing the Secretary-General that it had voted in favour of the relevant resolution and reiterating the non-recognition of territorial acquisitions through the use of force as well as the applicability of the Fourth Geneva Convention.